

AMENDMENTS TO THE DRAWINGS

In response to the Office Action at pages 2-3, Applicant is submitting a single sheet of drawings, containing one replacement figure (Figure 1). Applicant notes that the original figure was included as part of the PCT publication submitted as part of this application and is, therefore, already part of the application. The figure is not being changed, so no annotated sheet is being provided.

REMARKS

Applicant thanks the Examiner for the careful consideration given to this application. Reconsideration is now respectfully requested in view of the amendments above and the following remarks.

Claims 21-30, 32, 33, and 36-44 are pending in this application. Claims 21 and 36 are independent claims. Claims 31, 34, and 35 are cancelled without prejudice (Claims 1-20 were previously cancelled). Claims 21-28, 30, 32, 36, and 37 are amended. It is respectfully submitted that all of the amendments are supported by the application as originally filed. Also, new Claims 41-44 have been added, and it is respectfully submitted that each of these new claims is also supported by the application as originally filed.

Claim Rejections under 35 U.S.C. § 101

At page 3, the Office Action rejects Claims 21-40 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Office Action appears to have misunderstood the use of the word "stage," which in the context of the claims (prior to the above amendments) was being used in the sense of "a period or step in a process, activity, or development" (*Merriam-Webster's Collegiate Dictionary*, Eleventh Edition, 2005, p. 1214). Nevertheless, Applicant has opted to amend the claims to eliminate the use of the word "stage." Applicant requests withdrawal of these rejections.

Claim Rejections under 35 U.S.C. § 112

At pages 4-5, the Office Action rejects Claims 21-40 under 35 U.S.C. § 112, second paragraph, based on indefiniteness. Applicant does not agree with all of the grounds for rejection but has, nevertheless, chosen to amend the claims, and it is respectfully submitted that the amended claims overcome these rejections.

To address some of the particular points on which Applicant specifically disagrees with the Office Action:

- As noted above, the Office Action appears to misunderstand the usage of the word “stage;” while this has been eliminated in the amended claims, Applicant maintains that there was no problem previously.
- Applicant maintains that the previous form of Claim 36, prior to the above amendments, was acceptable and not indefinite, noting M.P.E.P. § 2173.05(f) (citing *Ex parte Porter*, 25 USPQ2d 1144 (Bd. Pat. App. & Int. 1992)).

At pages 5-6, the Office Action rejects Claim 35 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully submits that this rejection is moot in view of the cancellation of Claim 35.

Claim Rejections under 35 U.S.C. §103

At pages 6-11, the Office Action rejects Claims 21-40 under 35 U.S.C. §103(a) as being unpatentable over Ginter et al. (U.S. Patent No. 5,892,900) in view of Dawson (U.S. Patent No. 7,382,969). Applicants note that the rejections of Claims 31, 34, and 35 are now moot, in view of their cancellation. The remaining rejections are respectfully traversed for at least the following reasons.

Applicant notes that the independent claims, Claims 1 and 36, have been amended to correspond to the portion of the process/system for preparing and distributing the video products and to address informal matters and introduce preferred wordings (similarly with most of the other claims). However, Applicant has not changed a number of the content-related aspects of these claims. For example, both Claims 1 and 36 continue to recite that the modified main stream “cannot be used on standard [video] reading equipment.” Applicant respectfully submits that the cited references fail to disclose or suggest this, either alone or in combination.

As noted at page 7 of the Office Action, Ginter et al. altogether fails to disclose this. However, at page 8, the Office Action relies on the teachings of Dawson to remedy this deficiency of Ginter et al. Applicant respectfully submits that Dawson fails to do so.

In particular, the Office Action refers to Fig. 6A of Dawson as showing “stream split into two part[s], marred content and extracted video.” However, as explained throughout Dawson (e.g., abstract, col. 2, col. 5, et al.), the video is ***marred, not rendered***

such that it cannot be read. In fact, not only can the marred image of Dawson be read, but it can also be recorded (see, e.g., col. 5, lines 43-48). That is, in Dawson, a user who obtains the marred image can view and/or record the marred image, but a separate overlay may be used to “cure” the marring to produced an unmarred image (if the user is able/authorized to obtain the overlay).

For at least these reasons, it is respectfully submitted that all pending claims are allowable over the cited references. (As an aside, Applicant respectfully notes that, because the above element was previously in the claims, if a new reference can be found to cure the deficiencies of the cited references in a new rejection, the Office Action including such a rejection *cannot* be made final, despite Applicant’s amendments to the claims.)

Discussion of New Claims

As noted above, new Claims 41-44 have been added. These new claims correspond to elements removed from various ones of the claims as previously presented and depend from the respective claims from which they were derived. It is respectfully submitted that these claims are allowable for at least the reasons discussed above.

Disclaimer

Applicant may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

Applicant believes no fee is due with this response other than such fees as may be indicated on an accompanying paper. However, if any fee is due, please charge our Deposit Account No. 22-0185, under Order No. 27592-01124-US from which the undersigned is authorized to draw.

Dated: January 9, 2009

Respectfully submitted,

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